

OFFICE OF EXECUTIVE POLICY AND PROGRAMS DISCIPLINARY POLICY

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I. Policy

The Governor's Office recognizes its continued responsibility to develop and administer appropriate disciplinary procedures in the mutual interests of the Agency and the employees of this Agency. Management efforts should be concentrated on preventing serious disciplinary problems from occurring or reoccurring rather than punishing employees. This progressive disciplinary policy does not apply to probationary employees who may be disciplined at the agency's discretion.

Disciplinary problems should be handled by one or more of the following actions, but not necessarily in this order:

1. Informal Counseling
2. Oral Reprimand
3. Written Reprimand
4. Reassignment
5. Demotion
6. Suspension
7. Termination

The appropriate discipline for any incident of misconduct is a matter for the Agency's management to determine in light of all surrounding circumstances. The Governor's Office of Human Resources will coordinate with management as necessary in administering disciplinary action.

Disciplinary actions beyond an oral reprimand must be approved in advance by the Human Resources Administrator and the Office/Division Director. When misconduct does not result in immediate termination,

an employee should be given notice that continued improper conduct could result in dismissal. The original of all disciplinary actions above oral reprimands should be transmitted to the Office of Human Resources for inclusion in the employee's official personnel file.

Any disciplinary action above an oral reprimand should be discussed with the Office/Division Director and the Human Resources Administrator. Any disciplinary action above a written reprimand should be discussed with the Office/Division Director and the Human Resources Administrator who will seek the approval of the Deputy Chief of Staff for Administration prior to effecting the action.

All covered employees may have the right to appeal certain disciplinary actions in accordance with State Human Resources Regulation 19-718, State Employee Grievances and Appeals.

Probationary employees may be disciplined and/or terminated by the Governor's Office at any time for any or no reason without recourse, and therefore, nothing in these disciplinary rules limits the agency's discretion with respect to such employees. The Human Resources Administrator should be consulted prior to terminating a probationary employee.

Employees are given a copy of the Employee Disciplinary Guidelines Policy during orientation. All employees have access to a copy of the Employee Disciplinary Guidelines Policy through the intranet or by contacting the Human Resources Office.

II. Forms of Disciplinary Action

1. Oral Reprimand

The discussion a supervisor holds with an employee in which he disciplines the employee for improper conduct. Ordinarily, an employee should be verbally admonished for relatively minor infractions involving inappropriate behavior, misconduct, or violation of rules. The supervisor should inform the employee in private that an oral reprimand is being given and that the employee has the opportunity to correct the problem. The supervisor should further inform the employee that unless the problem is corrected, the employee will be subject to stronger disciplinary action up to and including written reprimand, suspension, dismissal, reassignment, demotion, or other appropriate action. This original written version of the oral reprimand should be maintained in supervisory files, to be used to support future discipline if needed.

2. Written Reprimand

A written record of discipline may be administered for the first offense of a more serious nature or for cumulative lesser violations. The nature of the offense, the dates of any counseling sessions, and oral reprimands (if given) should be referenced in written reprimands. The employee should be told in the written reprimand that repetition of an offense or a more serious offense will warrant further disciplinary action. The employee must sign the written reprimand as having been received. The original written reprimand becomes

a part of the employee's official personnel file and a copy of the reprimand should be given to the employee.

3. Suspensions

In cases that have many issues or considerations or where the facts are not clearly evident, an investigatory suspension may be used by placing the employee on a leave of absence without pay. Suspension during investigation means the interruption of active employment status (without compensation) pending the results of an investigation and a decision as to the extent of disciplinary action. Time off during an investigatory suspension may be considered part of the disciplinary suspension period if the investigation finally determines that disciplinary suspension is appropriate. If the investigation finally determines that appropriate disciplinary action is less than the length of the investigatory suspension without pay, then the employee will receive back pay for the difference. The suspension during investigation should last only long enough to permit time for adequate investigation and the formulation of a decision after the investigation.

A suspension may be administered for the first offense of a serious nature or for cumulative lesser violations. The period of suspension will vary depending on the seriousness of the offense and/or if previous disciplinary actions have been issued. In cases where the suspension is based on cumulative, lesser violations, details of the previous disciplinary actions that led up to the suspension, including counseling sessions, shall be cited in the notice of suspension. The employee should be made aware of the reasons for the suspension and the consequences of future violations or problems. The employee should sign the notice of suspension as having been received. The original notice of suspension becomes a part of the employee's official personnel file and a copy of the suspension notice should be given to the employee. All suspensions are without pay. (Accrued annual or sick leave may not be used for a suspension). During the suspension period, the employee will not be allowed in the workplace.

5. Termination

If other discipline fails to eliminate behavioral problems or violations of rules or if an employee commits a serious disciplinary infraction, the employee is subject to termination. Gross or aggravated misconduct may call for immediate termination without prior warning or attempts to correct the problem. All pertinent facts should be considered in the evaluation of events leading up to the recommendation for termination. If it is determined that termination is proper and justified, a letter of dismissal should be prepared for the Division/ Office Director's signature or the Human Resources Administrator's signature. This letter should contain a summary of events leading up to the termination, including prior disciplinary action and/or aggravating circumstances.

6. Reassignments and Demotions

Reassignments and demotions may also be used in conjunction with the above sanctions or separately as a form of disciplinary action. While an employee should sign disciplinary notices, his signature means only that he has received a copy and not that he agrees with the contents or the action taken. If the employee refuses to sign the disciplinary notice another supervisory employee should witness the refusal to sign the document.

III. Procedures for all Actions Above Written Reprimand

1.
The supervisor and/or manager should present all facts surrounding the incident to the Division/ Office Director, with a recommendation for discipline.
2.
The supervisor and/or manager should discuss the matter with the Human Resources Administrator.
3.
The Human Resources Administrator should then discuss any actions above a written reprimand with the Deputy Chief of Staff for Administration (or designee). The Office/Division Director or his designee signs notifications of suspension, demotion, and dismissal after the concurrence of the Deputy Chief of Staff.
4.
The above steps should occur prior to the action becoming effective unless, in management's sole discretion, circumstances dictate the immediate suspension of an employee pending the outcome of an investigation.
5.
The Human Resources Administrator is the coordinator of all disciplinary actions beyond oral and should be consulted concerning the wording of reprimands, warning letters or other disciplinary action documents beyond an oral warning.
6.
Any incidents or information relating to a pending disciplinary action are to be conveyed to the Human Resources Administrator immediately.

IV. Conduct Which May Result in Disciplinary Action

It is not possible to list all acts or omissions, which might result in disciplinary action. The list, which follows, includes some of the things which obviously are unacceptable and which can result in disciplinary action or termination. The list is by no means all inclusive. Management, in its sole discretion, will determine what degree of disciplinary action is appropriate, and management is not bound by the attached list. Normally, management will take into account various factors such as the seriousness of the offense, the employee's prior disciplinary record, the employee's prior work record and the employee's length of service. Which factors are to be considered and the weight to be given them are matters resting in the discretion of management.

The following list of progressive disciplinary actions are to be used only as guidelines and are not all-inclusive. This list is to improve the consistency of disciplinary actions taken. At the occurrence of any of the

listed offenses, management will determine the appropriate disciplinary action after the particular circumstances of the case or omission which constitutes misconduct, regardless of whether the specific act or mission is listed as follows:

PROGRESSIVE DISCIPLINE GUIDELINES

<u>Offense</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth Offense</u>
Unauthorized Leave	Written Reprimand to Suspension	Suspension to Termination	Termination	
Habitual Tardiness or Failure to Observe Assigned Work Hours	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Abuse of Leave (Refer to FMLA Act and ADA)	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Excessive Absenteeism	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
(To be used for employees who become unreliable because of frequent absenteeism, even if for good and sufficient reasons Termination should be preceded by oral counseling in an attempt to inform the employee of the problem. Refer to FMLA Act and ADA)				
Substandard Work Performance	[Refer to Employee Performance Management System (EPMS) Policy]			
Leaving Work Station without Authorization	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Reporting to Work Under the Influence of Alcohol or Drugs	Written Reprimand to Termination	Termination	(In accord with the Act on Alcoholism and w/ the Drug Free Work Place Policy.)	
Drinking Alcoholic Beverages or Using/Possessing Illegal Drugs on the Job	Termination		(In accord with the Act on Alcoholism (8-11-110) and w/ the Drug Free Work Place Policy.)	
Insubordination (refusal to accept a reasonable and proper work assignment or supervisor directive)	Written Reprimand to Termination	Suspension to Termination	Termination	
Falsification of Records or Documents	Suspension to Termination	Termination		
Stealing	Termination			
Negligence	Oral Reprimand to Suspension	Suspension to Termination	Termination	

Gross Misconduct	Suspension to Termination	Termination		
Willful Violation of Written Rules, Regulations or Policies	Written Reprimand to Suspension	Suspension to Termination	Termination	
Fighting	Suspension to Termination	Termination		
Unauthorized use of State Equipment or Property	Oral Reprimand to Suspension	Suspension to Termination	Termination	
Destruction or Misuse of Property or Equipment	Written Reprimand to Suspension	Suspension to Termination	Termination	
Unauthorized Solicitation or Sales on State Premises	Oral Reprimand to Suspension	Suspension to Termination	Termination	
Unauthorized Possession of Firearms on the Job	Termination			
Unauthorized Distribution of Written or Printed Material of Any Kind	Written Reprimand to Suspension	Suspension to Termination	Termination	
Sleeping While on Duty	Written Reprimand to Suspension	Suspension to Termination	Termination	
Horseplay	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Malicious Use of Profane/Abusive Language to Others	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Loafing	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Interference with Other Employee's Work	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Gambling During Work Hours	Written Reprimand to Suspension	Suspension to Termination	Termination	
Improper conduct or Conduct unbecoming A state employee	Written Reprimand to Termination	Suspension to Termination	Termination	
Working on Personal Jobs During Work Hours	Oral Reprimand to Suspension	Suspension to Termination	Termination	
Excessive Use of Telephone for Personal Matters	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination

Defacing State Property	Written Reprimand to Termination	Termination	
Sexual Harassment (Refer to Sexual Harassment Policy)	Written Reprimand to Termination	Termination	
Releasing Confidential Information	Oral Reprimand to Suspension	Suspension to Termination	Termination
Engaging in incompatible employment or serving a conflicting interest	Written Reprimand to Suspension	Suspension to Termination	Termination
Job Abandonment	(Employees who voluntarily fail to report to work for three (3) consecutive work days and fail to contact the agency during this time period will be considered to have voluntarily resigned.)		
Failure to maintain Harmonious Working Relationships with Employees, Supervisors,	Oral Reprimand to Suspension	Suspension to Termination	Termination
Misrepresentation of facts or information	Written Reprimand to Suspension	Suspension to Termination	
Discourteous treatment Of visitors and/or customers	Oral Reprimand to Suspension	Suspension to Termination	Termination
Willful false statements to a supervisor	Suspension to Termination	Termination	
Workplace Violence	Termination		
Threatening or Making Threatening Actions Towards Another Employee	Suspension to Termination	Termination	
Willful Acts that would Endanger the Personal Well-being and/or Property of Others	Termination		
Engaging in Unlawful Work Stoppages, Slowdowns or Strikes	Suspension to Termination	Termination	
Candidate in Partisan Election	Warning to Withdraw Within 10 Calendar Days or Termination or Voluntary Resignation		

Arrested or Indicted for Alleged Violation of Federal or State LawsCircumstances **May** Dictate Suspension Leading to Termination Pending Investigation & Determination**Misuse of Governor's Office Position**

Written Reprimand to Termination

Conviction of a Misdemeanor

Up to Termination

Conviction of a misdemeanor which adversely reflects on an individual's suitability for continued employment

Termination

Conviction of a Felony

Up to Termination

Any accumulation of 3 offenses within a period of 1 year where 1st or 2nd offense calls for written reprimand

Suspension to Termination

Termination

Any accumulation of 3 offenses within a period of 1 year where 1st or 2nd offense calls for suspension

Termination

The above indicated actions in response to specific offenses are to be used as a guide and are not intended to be all-inclusive. At the occurrence of any of the listed offenses or any that are not listed, the appropriate discipline should be determined after the particular circumstances of the case have been carefully considered. The state and federal laws referenced above are not all-inclusive in administering discipline.

V. Substandard Work Performance

When an employee's work performance falls below performance requirements, a Warning Notice of Substandard Performance may be necessary. In cases of substandard work performance, the Employee Performance Management System (EPMS) Policy should be followed.

VI. Abandonment of Position

An employee who voluntarily fails to report to work for three consecutive workdays and fails to contact the

appropriate supervisory authority during this time will be considered to have voluntarily resigned from the Governor's Office. The resignation is automatically accepted. A voluntary resignation is not a grievable issue.

VII. Employee Comments

The employee may attach additional comments to any disciplinary action, if desired, within two weeks from the date of the disciplinary action.

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